

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

In the Matter of)	
)	
Digital Audio Broadcasting Systems and)	MM Docket No. 99-325
Their Impact on Terrestrial Radio)	
Broadcast Service)	

To: The Commission

RESPONSE TO FURTHER NOTICE OF RULEMAKING BY PAUL DEAN FORD, P. E.

In this time of anticipated terrorist events, even natural and accidental disasters, National interest demands that we maintain reliable AM day and night signal coverage over maximum area when a national emergency occurs. For such a time existing analog AM service must be fully available. This need cannot be provided by satellite, FM, IBOC or other services. Analog AM is unique in that it can reach large portions of America, particularly at night. AM is the only radio service that extends beyond the limits of the curvature of the earth. This happy serendipity often provides excellent signal to communities and areas far beyond limits shown by FCC engineering calculations. IBOC would destroy all service now enjoyed by this unique AM feature.

While invention and progress are always to be commended, we must never forget that the Laws of Physics cannot be changed, only accommodated. In the last century Professional Engineers were appointed to serve on the Commission. They kept broadcast facilities on solid technical ground. The Creator's Natural Laws cannot be changed by fiat. Edicts cannot erase objectionable interference. The goal is laudable; the technology is flawed. Please seek reality before plunging our Nation into AM chaos.

Would implementation of IBOC cause the United States to be in violation of any International treaties governing operation of AM stations in other Western Hemisphere countries? We are presently coping with a scary, indefinite World war. In previous wars, a President of the United States and the Congress would remove any Commissioner who put our National communication capability at risk.

The Commission implies that the IBOC deal is done. It has not asked for real reasons as to why or why not to authorize IBOC; it has asked about "conversion policy," "how many streams of audio," "datacasting," without consideration of technical problems of the proposed system. Those issues are not pertinent until IBOC has been perfected.

The assumed purpose of the Commission has always been to provide maximum AM radio service, day and night, while providing an equitable distribution of licenses to as many areas as possible. The Commission has protected existing stations by not allowing *new* interference to an existing signal even if that signal already receives interference. In recent years, the Commission has actually *increased* protection, daytime, and has instituted increased protection nighttime. *If IBOC is authorized the Commission must continue to protect existing services from new interference, and to anticipate new analog services.* The burden of proof of interference, or lack thereof, must be upon the intruder. It is a given that broadcast licensees are to be in compliance at all times. IBOC violates the Commission's Rules and Regulations by presuming to modify an adjacent channel license without benefit of a hearing. Almost every radio station *is* an adjacent channel. Small market independent local facilities do not have vast funds for legal services to defend their signals.

Should it happen that the IBOC consortium idea prevails, can the Commission logically continue to *insist* upon maintaining its existing analog AM protection standards to New or Modified analog AM stations, while authorizing a system that causes *far more interference* than the Rules now allow.

Of course not! For numerous reasons, AM stations often provide excellent service to communities and areas far beyond limits shown by FCC engineering calculations. This must be preserved.

IBOC operations would reduce coverage of most existing AM stations to their FCC authorized contour only, sometimes much less. IBOC operation, besides limiting its AM analog fidelity to 5kHz, does cause objectionable interference 10% or more of the time to adjacent channels. The full impact of multiple carriers on same and adjacent channels has not been fully determined.

New *white areas* would be created so that much of the nation could not receive any day or nighttime AM radio service. In recent years the Commission has actually *increased* protection, daytime, and has instituted increased protection nighttime. If *secondary* coverage is reduced or eliminated, the present EAS system will not work. Many listeners would not be able to receive warnings of bad weather, disaster, or hostile attack. (We *are* at war.)

Why does not the FCC enforce existing regulations regarding pirate operators, willful disregard of Rules by authorized stations, noisy power lines, sodium vapor street lights, solid state switchers, and other interferences within the AM band? This is your authorized responsibility. ***Do it.***

Although New Yorkers may find it difficult to comprehend, there is a large land mass west of NYC where millions of Americans reside in little towns and villages. We reference the real world comments of Eric F. Brown, PhD, who represents Nebraska Rural Radio Association. Rural Nebraska is no longer a remote "out there somewhere" between Coasts. Much of this area is served only by a daytime or nighttime AM broadcast signal. To destroy AM service to this major portion of the United States so that a big metropolitan area close by a transmitter site can enjoy high fidelity AM

radio is absurd. High fidelity analog FM is all over metropolitan dials. AM secondary coverage must not be sacrificed for the benefit of a few who already have plenty of options.

If WOR wants IBOC so that it can serve New York City, why not let WOR have 250 watts with IBOC? Give the 50,000 watt analog license to an entity that is willing to serve the rest of the USA also. Many applicants would file for the channel. Let the market decide who should use extensive nighttime coverage, not those who don't care about their rural American neighbors.

Is the Commission being responsible to the American public? The Commission *appears* to be in step with private vested interests. Have you addressed the issues of fair trade, anti-trust, monopoly, and vested interest of this alliance with a for-profit consortium entity known as "iBiquity." It anticipates collecting royalties from independent licensees who have been mandated to conform. Please do not put America's excellent broadcast capabilities at risk by questionable fiat from within.

Have you addressed the personal aggravation and expense to replace the resultant millions of suddenly obsolete radio receivers. ***Consumers have not asked for IBOC; they do want better RADIOS.***

Leonard Kahn stated correctly in the June 2, 2004 issue of *Radio World*

“Now is the time for all good broadcasters to come to the aid of their country and their industry. This statement may appear to be an exaggeration, but I truly believe that the IBOC system threatens both the AM and FM industries and thus threatens free radio broadcasting. Furthermore, it is no stretch that while our country is at war and that our homeland is subject to further attack, supporting technology that interferes with AM radio that is essential to alerting Americans of an attack is clearly not in the public interest.”

I wholeheartedly agree. *The Commissioners must earnestly consider this matter.*

The comments filed in this matter by Timothy C. Cutforth, P.E., President and Technical Director of Vir James Engineers are technically sound and must be heeded by this Commission. Mr. Cutforth should have been appointed a member of the Commission. America would not now be at this crossroads wondering whether or not we should destroy AM radio for “technical advances” if men of his qualifications were in positions of authority instead of those who do not know nor appreciate God’s Wonderful Laws of Nature.

The goal is laudable; the technology is flawed.

Please do not put America's excellent broadcast capabilities at risk by fiat from within.

Submitted this 16th day of June, 2004 by

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